



Federal Program Monitoring Education Equity

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CALIFORNIA DEPARTMENT OF EDUCATION

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Purpose of Training

- Overview of the Education Equity review;
- Authority for the review;
- The three types of evidence that aid in meeting the legal obligations of the review;
- Seven components of the review
- **Please table your questions until after the presentation**



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Education Equity Review

To ensure that local educational agencies (LEAs), meet their legal obligation to provide a discrimination-free learning environment by:

- Reviewing policies, procedures and practices related to the LEA's programs;
- Provide compliance assistance to LEAs – information or guidance regarding meeting the legal requirements



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Authority for the Reviews

State of California Requirements

- **California Education Code, Sections:**
 - 200 – State policy, purpose;
 - 201 – Legislative declarations and intent;
 - 220 through 221.1 – Prohibition of Discrimination;
 - 221.5 through 231.5 – Sex Equity in Education Act;
 - 234 through 234.1 – Safe Place To Learn Act;
 - 260 – Primary responsibility of the Local Education Agency's (LEAs) governing board to ensure the LEAs compliance with rules and regulations
- **California Code of Regulations, Title 5, section 4900, et. seq. Non-Discrimination and Educational Equity**



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Authority for the Reviews

Federal Law Requirements

- **Title VI of the Civil Rights Act of 1964** , 42 USC section 2000(d), 34 CFR Part 100 – race, color, national origin discrimination.
- **Title IX of the Education Amendments of 1972** , 20 USC section 1681 et seq., 34 CFR Part 106 – sex discrimination.
- **Section 504 of the Rehabilitation Act of 1973** , 29 USC section 794, 34 CFR Part 104 – disability discrimination.



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Procedure to Determine Compliance

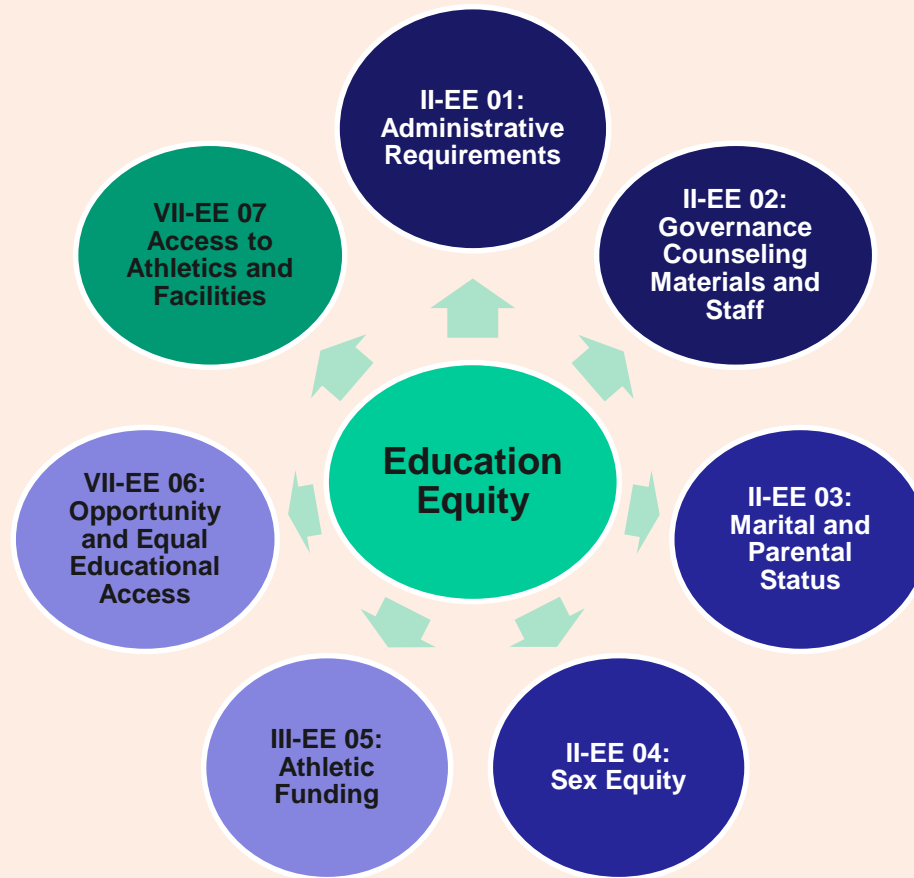
Procedure to gather information for evidence of compliance is:

1. **Documentation** – District's school wide publications, annual notifications, board policies, procedures;
2. **Observation** – District's information boards in all staff break rooms/ lounges and Main Administrative building;
3. **Interviews** – District administrators, certificated and classified staff, and other interested parties.



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Required Areas of Review





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Determining Compliance with Nondiscrimination Statement Language Requirement

A nondiscrimination statement language requirement

Protected groups:

Sexual Orientation	Gender Identity	Disability	Gender Expression	Nationality	Religion	Age
Ancestry	Color	Gender	Race	Sex	Ethnicity	



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Required Areas of Review

II-EE 01: Administrative Requirements

District adopts a policy that prohibits discrimination, harassment, intimidation, and bullying based on protected group(s)

- Policy includes:
 - a) statement that it applies to all acts related to school activity or school attendance



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Required Areas of Review

II-EE 01: Administrative Requirements (con't)

1.1 The LEA adopted and implemented a complaint process to receive, investigate, and resolve allegations of discrimination, harassment, intimidation, and bullying that includes:

- Requirement that school personnel take immediate steps to intervene when safe to do so when he or she witnesses an act of discrimination, harassment, intimidation, or bullying
- Timeline for the investigation of the complaint
- Appeals process for the complainant
- All complaint forms are translated in accordance with Ed. Code § 48985



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Required Areas of Review

II-EE 01: Administrative Requirements (con't)

1.2 Publicized policies that prohibit discrimination, harassment, intimidation, and bullying, including:

- Information about how to file a complaint, to students, parents, employees, agents of the governing board, and the general public
- Identify the district designee(s) responsible for implementation of policy, investigating complaints and ensuring compliance for equity and Title IX
- This information is to be translated according to EC § 48985



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Required Areas of Review

II-EE 01: Administrative Requirements (con't)

1.3 District investigates all allegations and implements effective corrective actions :

- Maintain all complaint investigation documentation;
- Maintain all complaint investigation resolutions;
- Retain all documentation for the length of one Federal Program Monitoring Review cycle;
- Protect complainants from retaliation;
- Identity of complainant remains confidential



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Required Areas of Review

II-EE 01: Administrative Requirements (con't)

1.4 District's policy is posted in all schools and district office, to include staff lounges and student government meeting rooms

1.5 Publicized policies against discrimination, harassment, intimidation and bullying to certificated school site employees who serve grades 7 to 12 with resources related to the support of LGBTQ pupils which includes:

- School site resource peer support or affinity clubs and organizations, safe spaces for LGBTQ pupils, and counseling services
- Community-based organization support to LGBTQ pupils and their families, and physical and mental health providers with experience or training



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Required Areas of Review

II-EE 01: Administrative Requirements (con't)

Examples of evidence*:

<ul style="list-style-type: none">• Agency Board Policy on complaint process	<ul style="list-style-type: none">• Agency Board Policy on nondiscrimination, harassment, intimidation, and bullying	<ul style="list-style-type: none">• Publicized policies that prohibit discrimination, harassment, intimidation and bullying to all students, staff and public
<ul style="list-style-type: none">• On site review of files of complaints received in the past 12 months	<ul style="list-style-type: none">• Confirmation statement of nondiscrimination policy posting	<ul style="list-style-type: none">• School and community resources for lesbian, gay, bisexual, transgender, and questioning pupils

* This is not an exhaustive list of evidence that will meet the legal requirements for this section



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Required Areas of Review

II-EE 02: Governance Counseling Materials and Staff

2.0 No counseling staff nor student counseling materials discriminate against any protected group

2.1 Internal procedure to ensure that different counseling materials are not used on the basis of sex nor permit, require different treatment of student based on sex

2.2 Enrollment in classes, where a disproportionate number of students of one sex exists, is not a result of the district's counseling department's appraisal materials

Examples of evidence*:

• Agency or school policy/procedure which ensures all counseling staff and materials are unbiased	• Course announcements	• Policy or statement explaining the master course scheduling process
• Guidance counseling materials		

* This is not an exhaustive list of evidence that will meet the legal requirements for this section



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Required Areas of Review

II-EE 03: Marital and Parental Status

3.0 District has no policy concerning a student's actual or potential, family, or marital status that treats students differently on the basis of sex

3.1 District does not exclude or deny any student from any educational program or activity because of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom

3.2 Pregnant and parenting students are not excluded from regular school programs nor required to attend alternative educational / pregnant student programs

3.3 Pregnant/ parenting students in alternative programs receive equal courses, activities and educational programs to that of non-pregnant/non-parenting student



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Required Areas of Review

II-EE 03: Marital and Parental Status (con't)

3.4 Pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom is treated the same way the district treats temporary disability

3.5. The LEA provides reasonable accommodations to a lactating pupil on a school campus.

Reasonable accommodations under this section include, but are not limited to, all of the following:

- Access to a private and secure room
- Permission to bring a breast pump onto a school campus
- Access to a power source for a breast pump
- Access to a place to store expressed breast milk safely



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Required Areas of Review

II-EE 03: Marital and Parental Status (con't)

- Provide a lactating pupil on a school campus with a reasonable amount of time to accommodate her need to express breast milk or breast-feed an infant child
- The district ensures that a pupil does not incur an academic penalty as a result of her use during the school day

Examples of evidence*:

• Agency or school policy related to pregnant, family, parental, and marital status	• Policy or internal process relating to reasonable accommodation of lactating students	• Pregnant and parenting materials
• Program schedules - 3 pregnant/parenting students and 3 regular students in the same grade level	• Statement from agency about lactating students	

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Required Areas of Review

II-EE 04: Sex Equity

4.0 Board policy prohibiting sexual harassment

4.1 Students, parents, employees, and others are notified

4.2 District prominently displays sexual harassment policy

4.3 A copy of the agency's written policy on sexual harassment, as it pertains to students, is provided:

- as part of any orientation program conducted for new students
- to all agency staff (faculty, administrative and support)
- in any publication of the institution that sets forth the comprehensive rules and regulations



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Required Areas of Review

II-EE 04: Sex Equity

4.4 All records of sexual harassment complaints are maintained

Examples of evidence*:

<ul style="list-style-type: none">• Agency board policies relating to sexual harassment	<ul style="list-style-type: none">• On site review of files of complaints received in the past 12 months	<ul style="list-style-type: none">• Statement confirming sexual harassment policy postings
<ul style="list-style-type: none">• Notification of sex discrimination policy to students, parent, employees and others	<ul style="list-style-type: none">• Notification of the agency's written sexual harassment policy	

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Required Areas of Review

II-EE 05: Athletic Funding

5.0 Equity in athletic programs

5.1 If the athletic budget is reduced, it is done in a manner that is consistent with State and Federal gender equity laws

Examples of evidence*:

<ul style="list-style-type: none">Fiscal records for athletic programs		

* This is not an exhaustive list of evidence that will meet the legal requirements for this section 21



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Required Areas of Review

VII-EE 06: Opportunity and Equal Educational Access

6.0 Availability of district programs, activities and student clubs

6.1 Compliance monitored by the School District

6.2 All student clubs have equal access

6.3 No course or activity is labeled or scheduled in a way which results in the separation of students



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Required Areas of Review

VII-EE 06: Opportunity and Equal Educational Access

6.4 Sex-segregated programs, activities, and facilities shall be available to all student's on the basis of their individual gender identity regardless of the gender listed on a student's records

Examples of evidence*:

<ul style="list-style-type: none">• Agency or school policy for adding new classes of instruction	<ul style="list-style-type: none">• Policy/process related to sex-segregated programs, activities, facilities, athletic competitions	<ul style="list-style-type: none">• Agency or school policy related to programs, activities, and student clubs
<ul style="list-style-type: none">• Student programs, activities and clubs materials	<ul style="list-style-type: none">• Course announcements	<ul style="list-style-type: none">• Policy/process related to gender identity

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Required Areas of Review

VII-EE 07: Access to Athletics and Facilities

7.0 Agency accommodates athletic interests and abilities for both sexes by:

- Substantially proportionate athletic opportunities for male and female athletes;
- A history and continuing practice of expanding opportunities for the under-represented sex;
- The underrepresented sex has been fully and effectively accommodated by the present program.



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Required Areas of Review

VII-EE 07: Access to Athletics and Facilities

7.1 Each public elementary, secondary, and charter school offering competitive athletics publicizes the following information at the end of the school year:

- Total enrollment of the school, classified by gender;
- Number of pupils enrolled at the school who participate in competitive athletics, classified by gender;
- Number of boys' and girls' teams, classified by sport and competition level

Posted on the Internet and listed by individual school

Retain data for 3 years



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Required Areas of Review

VII-EE 07: Access to Athletics and Facilities

7.2 Facilities and equipment provided for students are comparable and equitable to both sexes without disparity or imbalance

Examples of evidence*:

<ul style="list-style-type: none">Agency athletic web page	<ul style="list-style-type: none">Agency or school policy related to competitive athletics	<ul style="list-style-type: none">Athletics recruitment and participation materials
<ul style="list-style-type: none">Athletics rosters and competition schedules	<ul style="list-style-type: none">Site maps	

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